

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HONORABLE PAULA A. PATRICK,

Plaintiff,

v.

THE DAILY BEAST COMPANY LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-cv-01520

**DEFENDANTS’ RESPONSE TO PLAINTIFF’S MOTION FOR LEAVE
TO FILE SUR-REPLY BRIEF IN OPPOSITION TO MOTION TO DISMISS**

Defendants, The Daily Beast Company LLC and Laura Bradley (collectively, the “*Daily Beast* Defendants”), respectfully submit that the Sur-Reply proposed by the Plaintiff, the Honorable Paula A. Patrick, is improper because it (a) restates, nearly verbatim, the substance of her lengthy opposition to Defendants’ Motion for Leave to File a Reply Brief in Support of their Motion to Dismiss (Dkts. 12 & 13), which the Court granted (Dkt. 14) despite that full-throated opposition; and (b) advances arguments that she could have made in her initial opposition brief (Dkt. 10-1), but did not.

While the arguments advanced in Judge Patrick’s proposed Sur-Reply’s would, even if considered, be insufficient to avoid dismissal, Defendants state for the record that they do not consent to Judge Patrick’s Motion for Leave and disagree with the arguments set forth in both the Motion and proposed Sur-Reply. Given the extensive briefing already before the Court, Defendants do not intend to respond further to the substance of those arguments unless directed to do so by the Court.

WHEREFORE, the *Daily Beast* Defendants respectfully request that Plaintiff's Motion for Leave to File a Sur-Reply Brief be denied and, regardless, that the Complaint be dismissed with prejudice.

Dated: March 9, 2023

Respectfully submitted,

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By: /s/ Kaitlin M. Gurney

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*Counsel for Defendants The Daily Beast
Company LLC and Laura Bradley*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2023, I caused a true and correct copy of the foregoing Defendants' Response to Plaintiff's Motion for Leave to File a Sur-Reply Brief in Opposition to Their Motion To Dismiss to be served upon the following counsel of record via the Court's electronic filing system:

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/s/ Kaitlin M. Gurney
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